

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**STATE FARM FIRE AND CASUALTY : CIVIL ACTION  
COMPANY :**

**v. : NO. 18-3956**

**STEPHANIE MOTTA, *et al.***


**ORDER**

**AND NOW**, this 11<sup>th</sup> day of December 2018, upon considering Plaintiff's Motion for judgment on the pleadings/summary judgment (ECF Doc. No. 14), Defendants' Cross-Motion for judgment on the pleadings (ECF Doc. No. 16), the parties' Responses (ECF Doc. Nos. 17, 20) and for reasons in the accompanying Memorandum, it is **ORDERED**:

1. Plaintiff's Motion for judgment on the pleadings/summary judgment (ECF Doc. No. 14) is **DENIED**;

2. Defendants' Motion for judgment on the pleadings (ECF Doc. No. 16) is **GRANTED** and partial judgment is granted in favor of Defendants confirming the Plaintiff's obligation to continue providing a defense to Stephanie Motta and Zach Trimbur in the ongoing state court litigation but without addressing indemnity or punitive damages issues; and,

3. Plaintiff shall file a joint memorandum signed by counsel for both parties not exceeding seven pages on or before **December 18, 2018** describing each parties' proposal for resolving the remaining indemnity and punitive damages issues in the Complaint (ECF Doc. No. 1) and Counterclaim (ECF Doc. No. 9) including dismissing these claims without prejudice under a tolling agreement to allow each party, if necessary, to seek declaratory relief as to duty to indemnify or address punitive damages following resolution of the state court action.

  
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**KEARNEY, J.**